

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 2:14-CV-00002-FDW

ROGER D. HARVERSON

Plaintiff,

vs.

CAROLYN W. COLVIN,
Commissioner of Social Security

Defendant.

ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Attorney Fees. (Doc. No. 32). Defendant filed a response. (Doc. No. 35). Pursuant to *Gisbrecht v. Barnhart*, 535 U.S. 789 (2002), it is the duty of the Court to determine a reasonable fee.

Plaintiff's counsel seeks attorney's fees under section 206(b) of the Social Security Act, 42 U.S.C. § 406(b), in the amount of \$6,100.00. Attorney's fees under section 206(b) are paid from past-due benefits awarded to a successful claimant. 42 U.S.C. § 406(b). Plaintiff has previously been awarded attorney's fees under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412, in the amount of \$4,612.50 (ECF No. 31).

It is ORDERED that Plaintiff's counsel be awarded fees under 42 U.S.C. § 406(b) in the amount of \$6,100.00, and refund to Plaintiff the smaller award between this amount and the EAJA award.

IT IS SO ORDERED.

Signed: July 25, 2016



Frank D. Whitney
Chief United States District Judge

